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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

DANIEL TUROCY, et al., Individually
and on Behalf of All Others Similarly
Situated,

Plaintiffs,

vs.

EL POLLO LOCO HOLDINGS, INC.,
et al.,

Defendants.

Case No. 8:15-cv-01343-DOC-KES
(**Consolidated**)

CLASS ACTION

(1) STIPULATION ON PROTOCOL
FOR THE PRODUCTION OF HARD
COPY DOCUMENTS AND
ELECTRONICALLY STORED
INFORMATION

(2) [PROPOSED] ORDER

1 IT IS HEREBY STIPULATED AND AGREED, by and among the parties to
2 the above-captioned action, through their respective undersigned counsel, as follows:

3 **I. PRESERVATION**

4 Consistent with the parties' obligations under Rule 26(f), the parties will meet
5 and confer regarding the scope of preservation, including custodians, data sources,
6 date ranges, and categories of information that have been or should be preserved in
7 connection with this litigation. The parties will disclose categories or sources of
8 responsive information that they have reason to believe have not been preserved or
9 should not be preserved and will explain with specificity the reasons to support such a
10 belief.

11 **II. IDENTIFICATION OF RESPONSIVE DOCUMENTS**

12 The parties shall meet and confer in an effort to conduct discovery in the most
13 efficient and effective manner. Specifically, the parties will attempt in good faith to
14 come to an agreement on search and culling methods used to identify responsive
15 information. The parties will meet and confer on or before November 21, 2017
16 regarding any proposed limitations on the scope of discovery, including custodians,
17 custodial and non-custodial sources, date ranges, file types, or any additional proposed
18 method to cull documents for review (*i.e.*, search terms, technology-assisted-review,
19 predictive coding). The parties agree that the grounds for objections shall be
20 supported by specific information. The parties will not seek Court intervention
21 without first attempting to resolve any disagreements in good faith, based upon all
22 reasonably available information.

23 **A. Sources**

24 The parties will, on or before December 11, 2017, disclose and discuss the
25 custodial and non-custodial data sources likely to contain responsive information. The
26 parties will identify and describe any relevant electronic systems and storage
27 locations. The parties will also disclose and describe any document retention policies
28 or practices (*e.g.*, retention schedules or policies, auto-delete functions, routine

1 purging, mailbox size limits) or other practices likely to impact the existence or
2 accessibility of responsive documents or electronically stored information. The
3 parties will identify and describe sources likely to contain responsive information that
4 a party asserts shall not be searched or are not reasonably accessible and will explain
5 the reasons for such assertions. The parties retain the right, upon reviewing the initial
6 production of documents, and conducting other investigation and discovery, to
7 reasonably request that files from additional custodial or non-custodial sources be
8 searched and meet and confer regarding such request.

9 **B. Identification of Custodians**

10 The parties shall, on or before December 11, 2017, identify all persons whose
11 files are likely to contain documents and electronically stored information (“ESI”)
12 relating to the subject matter of this litigation. This will include a description of the
13 proposed custodians’ job title and brief description of such person’s responsibilities
14 (including dates of employment by the applicable party). The parties retain the right,
15 upon reviewing the initial production of documents, and conducting other
16 investigation and discovery, to reasonably request that files from additional custodians
17 be searched and meet and confer regarding such request.

18 **C. Easily Segregable Documents**

19 Documents or categories of documents that are easily identifiable and
20 segregable and can be collected without the use of search terms or other agreed upon
21 advanced search methodology (*e.g.*, analytics, predictive coding, technology-assisted-
22 review), will be identified as such prior to the exchange of search terms and collected.

23 **D. Search Terms**

24 Where the parties agree that potentially responsive ESI shall be searched
25 through the use of search terms, the parties shall use the process identified below and
26 shall meet and confer regarding any proposed deviation. On or before December 11,
27 2017, the producing party shall provide a list of proposed search terms, which shall
28 contain all search terms that it believes would lead to the identification of relevant

1 documents. To the extent reasonably possible, search terms will be crafted with input
2 from the custodians in order to identify appropriate nomenclature, code words, etc.
3 Within 14 days of receipt of the proposed search terms, the receiving party shall
4 reasonably provide any additional search terms that it believes are necessary to
5 identify responsive documents.

6 Within 7 days of receiving the additional search terms, the producing party will
7 use best efforts to provide a search term hit list or hit report after global de-duplication
8 (including the number of documents that hit on each term, the number of unique
9 documents that hit on each term (documents that hit on a particular term and no other
10 term on the list), and the total number of documents that would be returned by using
11 the proposed search term list including families). The parties shall meet and confer
12 regarding the proposed search terms within 7 days of receipt of the search term hit list.
13 The parties will use best efforts to agree to a set of search terms within 30 days of
14 receipt of the originally proposed search terms.

15 If disputed terms still exist at the end of the meet and confer process, the parties
16 will submit those terms to the Court in the form of a joint discovery stipulation
17 pursuant to Local Civil Rule 37.2 with a discussion of the relevance and/or burden
18 associated with those search terms.

19 **E. Technology-Assisted-Review**

20 No party shall use predictive coding/technology-assisted-review for the purpose
21 of culling the documents to be reviewed or produced without notifying the opposing
22 party prior to use and with ample time to meet and confer in good faith regarding a
23 mutually agreeable protocol for the use of such technologies.

24 **III. PRODUCTION OF HARD COPY DOCUMENTS – FORMAT**

25 Hard copy documents shall be scanned as single-page, Group IV, 300 DPI TIFF
26 images with an .opt image cross-reference file and a delimited database load file (*i.e.*,
27 .dat). The database load file shall contain the following fields: “BEGNO,”
28 “ENDNO,” “PAGES,” “VOLUME” and “CUSTODIAN.” The documents shall be

1 logically unitized (*i.e.*, distinct documents shall not be merged into a single record,
2 and single documents shall not be split into multiple records) and be produced in the
3 order in which they are kept in the usual course of business. If an original document
4 contains color, and the color is necessary to understand the meaning or content of the
5 document, upon written request, a producing party shall produce the document as
6 single-page, 300 DPI JPG images with JPG compression and a high quality setting as
7 to not degrade the original image color images for selected documents, provided that
8 the volume of documents requested for color production is reasonable. Multi-page
9 OCR text for each document shall also be provided. The OCR software shall
10 maximize text quality. Settings such as “auto-skewing” and “auto-rotation” shall be
11 turned on during the OCR process.

12 **IV. PRODUCTION OF ESI**

13 **A. Format**

14 The parties will produce ESI in single-page, black and white, TIFF Group IV,
15 300 DPI TIFF images with the exception of spreadsheet type files, source code, audio,
16 and video files, which shall be produced in native format. If an original document
17 contains color, the document shall be produced as single-page, 300 DPI JPG images
18 with JPG compression and a high quality setting as to not degrade the original image.
19 Parties are under no obligation to enhance an image beyond how it was kept in the
20 usual course of business. TIFFs/JPGs will show any and all text and images which
21 would be visible to the reader using the native software that created the document.
22 For example, TIFFs/JPGs of e-mail messages shall include the BCC line. PowerPoint
23 documents shall be processed with hidden slides and all speaker notes unhidden, and
24 shall be processed to show both the slide and the speaker’s notes on the TIFF/JPG
25 image.

26 If a document is produced in native, a single-page Bates stamped image slip
27 sheet stating the document has been produced in native format will also be provided.
28 Each native file shall be named according to the Bates number it has been assigned,

1 and shall be linked directly to its corresponding record in the load file using the
2 NATIVELINK field. To the extent that either party believes that specific documents
3 or classes of documents, not already identified within this protocol, shall be produced
4 in native format, the parties agree to meet and confer in good faith.

5 **B. De-Duplication**

6 Each party shall remove exact duplicate documents based on MD5 or SHA-1
7 hash values, at the family level. Attachments shall not be eliminated as duplicates for
8 purposes of production, unless the parent e-mail and all attachments are also
9 duplicates. Parties agree that an email that includes content in the BCC or other blind
10 copy field shall not be treated as a duplicate of an email that does not include content
11 in those fields, even if all remaining content in the email is identical. Removal of
12 near-duplicate documents and e-mail thread suppression is not acceptable. De-
13 duplication will be done across the entire collection (global de-duplication) and the
14 CUSTODIAN field will list each custodian, separated by a semi-colon. Should the
15 CUSTODIAN metadata fields produced become outdated due to rolling productions,
16 an overlay file providing all the custodians for the affected documents will be
17 produced prior to substantial completion of the document production.

18 **C. Metadata**

19 All ESI will be produced with a delimited, database load file that contains the
20 metadata fields listed in Table 1, attached hereto, with the exception of the "FilePath
21 Dup," "Source," and "Redacted" fields. The metadata produced shall have the correct
22 encoding to enable preservation of the documents' original language.

23 **D. Embedded Objects**

24 The parties agree to meet and confer over the inclusion or exclusion of
25 embedded files from the production.

26 **E. Compressed Files Types**

27 Compressed file types (*e.g.*, .ZIP, .RAR, .CAB, .Z) shall be decompressed so
28 that the lowest level document or file is extracted.

1 **F. Structured Data**

2 To the extent a response to discovery requires production of electronic
3 information stored in a database, including the production of text messages or similar
4 communications, the parties will meet and confer regarding methods of production.
5 Parties will consider whether all relevant information may be provided by querying
6 the database for discoverable information and generating a report in a reasonably
7 usable and exportable electronic file.

8 **G. Unprocessed Documents**

9 In the event a produced family of documents contains unprocessed or
10 unprocessable documents, the producing party shall produce a slip sheet in the place
11 of the document indicating that the document is unprocessed or unprocessable. Upon
12 written request on a document by document basis, the producing party will use
13 reasonable efforts to inquire into the unprocessed or unprocessable document and
14 obtain an accessible version of such document.

15 **H. Encryption**

16 To maximize the security of information in transit, any media on which
17 documents are produced may be encrypted. In such cases, the producing party shall
18 transmit the encryption key or password to the receiving party, under separate cover,
19 contemporaneously with sending the encrypted media.

I. Redactions

If documents that the parties have agreed to produce in native format need to be redacted, the parties will meet and confer regarding how to implement redactions while ensuring that proper formatting and usability are maintained.

IT IS SO STIPULATED.

DATED: November 10, 2017

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All other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

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TABLE 1: METADATA FIELDS
#2133

Field Name	Example / Format	Description
BEGNO	ABC0000001 (Unique ID)	The Document ID number associated with the first page of a document.
ENDNO	ABC0000003 (Unique ID)	The Document ID number associated with the last page of a document.
BEGATTACH	ABC0000001 (Unique ID Parent-Child Relationships)	The Document ID number associated with the first page of the parent document.
ENDATTACH	ABC0000008 (Unique ID Parent-Child Relationships)	The Document associated with the last page of the last attachment.
VOLUME	VOL001	The name of CD, DVD or Hard Drive.
RECORDTYPE	Options: eMail, Attachment, Scanned Doc, eFile	The record type of a document.
SENTDATE	MM/DD/YYYY	The date the e-mail or calendar entry was sent.
SENTTIME	HH:MM	The time the e-mail or calendar entry was sent.
RECEIVEDDATE	MM/DD/YYYY	The date the document was received.
RECEIVEDTIME	HH:MM	The time the document was received.
CREATEDATE	MM/DD/YYYY	The date the document was created.
CREATETIME	HH:MM	The time the document was created.
LASTMODDATE	MM/DD/YYYY	The date the document was last modified.
LASTMODTIME	HH:MM	The time the document was last modified.
MEETING START DATE	MM/DD/YYYY	Start date of calendar entry
MEETING START TIME	HH:MM	Start time of calendar entry
MEETING END DATE	MM/DD/YYYY	End date of calendar entry
MEETING END TIME	HH:MM	End time of calendar entry
FILEPATH	i.e. /JsmithPC/Users/Jsmith/Desktop	The file path from the location in which the document was stored in the usual course of business. This field should be populated for both e-mail and e-files.
FILEPATH-DUP	i.e. /Jsmith.pst/Inbox /Network Share/Accounting/... /TJohnsonPC/Users/TJohnson/My Documents/...	The file paths from the locations in which the duplicate documents were stored in the usual course of business. This field should be populated for both e-mail and e-files and separated by semicolons.
AUTHOR	jsmith	The author of a document from extracted metadata.
LASTEDITEDBY	jsmith	The name of the last person to edit the document from extracted metadata.
FROM	Joe Smith <jsmith@email.com>	The display name and e-mail address of the author of an e-mail/calendar item. An e-mail address should always be provided.
TO	Joe Smith <jsmith@email.com>; tjones@email.com	The display name and e-mail address of the recipient(s) of an e-mail/calendar item. An e-mail address should always be provided for every e-mail if a recipient existed.
CC	Joe Smith <jsmith@email.com>; tjones@email.com	The display name and e-mail of the copyee(s) of an e-mail/calendar item. An e-mail address should always be provided for every e-mail if a copyee existed.
BCC	Joe Smith <jsmith@email.com>; tjones@email.com	The display name and e-mail of the blind copyee(s) of an e-mail or calendar item. An e-mail address should always be provided for every e-mail if a blind copyee existed.
SUBJECT		The subject line of the e-mail/calendar item.
MESSAGE TYPE	Appointment, Contact, Task, Distribution List, Message, etc.	An indication of the email system message type.
IMPORTANCE	Normal, Low, High	E-mail Importance Flag
TITLE		The extracted document title of a document.
CUSTODIAN-ALL	Smith, Joe; Doe, Jane	All of the custodians of a document from which the document originated, separated by semicolons.
SOURCE	Computer, Mobile Phone, Email, Network Share, Database Name, etc.	The source from which the document was collected.
ATTACH COUNT	Numeric	The number of attachments to a document.
FILEEXT	XLS	The file extension of a document.
FILENAME	Document Name.xls	The file name of a document.
FILESIZE	Numeric	The file size of a document (including embedded attachments).
HASH		The MD5 or SHA-1 Hash value or "de-duplication key" assigned to a document. The same hash method (MD5 or SHA-1) should be used throughout production.
CONVERSATION INDEX		ID used to tie together e-mail threads.
REDACTED	YES or Blank	If a document contains a redaction, this field will display 'YES'.
TIMEZONE PROCESSED	PST, CST, EST, etc	The time zone the document was processed in. NOTE: This should be the time zone where the documents were located at time of collection.
NATIVELINK	D:\NATIVES\ABC000001.xls	The full path to a native copy of a document.
FULLTEXT	D:\TEXT\ABC000001.txt	The path to the full extracted text of the document. There should be a folder on the deliverable, containing a separate text file per document. These text files should be named with their corresponding bates numbers. Note: E-mails should include header information: author, recipient, cc, bcc, date, subject, etc. If the attachment or e-file does not extract any text, then OCR for the document should be provided.